

2022 Regular Session

HOUSE CONCURRENT RESOLUTION NO. 39

BY REPRESENTATIVES BUTLER AND ECHOLS

WORKFORCE DEVELOPMENT: Requests a study and recommendations concerning barriers to hiring of direct support professionals who provide Medicaid-covered services to people with disabilities

1 A CONCURRENT RESOLUTION

2 To urge and request the Louisiana Department of Health to study barriers to hiring of direct
3 support professionals who provide Medicaid-covered services to people with
4 disabilities and to report findings of the study to the legislative committees on health
5 and welfare and the Joint Medicaid Oversight Committee.

6 WHEREAS, providers of Medicaid-funded home- and community-based services
7 (HCBS) and intermediate care facilities for persons with intellectual and developmental
8 disabilities (ICFs) deliver long-term supports and services to people with disabilities; and

9 WHEREAS, HCBS providers and ICFs are invaluable resources for helping
10 individuals with disabilities to meet their health, education, employment, community
11 participation, and quality of life goals; and

12 WHEREAS, the disability services system in Louisiana is in the midst of a
13 years-long workforce crisis that continues to worsen due to inadequate Medicaid
14 reimbursement rates and the effects of the COVID-19 pandemic; and

15 WHEREAS, disability service organizations are unable to hire and retain the
16 qualified direct support professionals they need to serve the people in their care due to
17 various barriers to employment that potential workers face; and

18 WHEREAS, the most significant of these barriers relate to criminal histories, as
19 disability service organizations are prohibited by law, R.S. 40:1203.3, from hiring an

1 individual as a direct support professional if a background check reveals that the person has
2 been convicted of one or more enumerated criminal offenses; and

3 WHEREAS, this prohibition does not contemplate possible mitigating factors such
4 as the following:

5 (1) The nature and seriousness of the offense.

6 (2) The nature of the direct support position's particular duties and responsibilities.

7 (3) The amount of time that has passed since the conviction.

8 (4) Facts relevant to the circumstances of the offense, including any aggravating or
9 mitigating circumstances or social conditions surrounding the commission of the offense.

10 (5) Evidence of rehabilitation or treatment undertaken by the person since the
11 conviction; and

12 WHEREAS, transportation-related issues also function as barriers to employment of
13 direct support professionals because these persons, as a condition of their employment, are
14 required to have a driver's license and reliable transportation; and

15 WHEREAS, employers are finding that many direct support professional candidates
16 do not have current driver's licenses due to a number of factors including the cost of driver's
17 education classes and the suspension of licenses due to unpaid fines and fees; additionally,
18 many prospective employees are not able to maintain the requisite automobile insurance due
19 to its cost; and

20 WHEREAS, the workforce crisis in Louisiana's disability services system remains
21 an immediate problem which is in need of immediate solutions.

22 THEREFORE, BE IT RESOLVED that the Legislature of Louisiana does hereby
23 urge and request the Louisiana Department of Health to study barriers to hiring of direct
24 support professionals who provide Medicaid-covered services to people with disabilities.

25 BE IT FURTHER RESOLVED that on or before February 1, 2023, the department
26 shall submit to the House Committee on Health and Welfare, the Senate Committee on
27 Health and Welfare, the Joint Medicaid Oversight Committee, and the David R. Poynter
28 Legislative Research Library a report of its findings from the study called for in this
29 Resolution and recommendations for addressing the workforce crisis in the disability
30 services system in the most expeditious ways possible.

1 BE IT FURTHER RESOLVED that a copy of this Resolution be transmitted to the
2 secretary of the Louisiana Department of Health and the executive director of the
3 Community Provider Association.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HCR 39 Engrossed

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Butler

Urges and requests the La. Department of Health to study barriers to hiring of direct support professionals who provide Medicaid-covered services to people with disabilities and to report findings of the study to the legislative committees on health and welfare and the Joint Medicaid Oversight Committee on or before Feb. 1, 2023.

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Health and Welfare to the original bill:

1. Correct a reference to supports and services provided through the disability services system.